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SUBJECT: SEARCH FOR NEXT OMBUDSMAN -- GRP'S KEY ANTI-CORRUPTION OFFICIAL -- CONTINUES

REF: A. MANILA 4693
[1](#)B. MANILA 0740
[1](#)C. MANILA 0234
[1](#)D. 04 MANILA 4019

[1](#)1. (U) This message is Sensitive But Unclassified -- Please handle accordingly.

[1](#)2. (SBU) Summary: The GRP's Judicial and Bar Council is reviewing possible candidates to replace Ombudsman Simeon Marcelo, who is resigning on November 30. Favored candidates include Presidential Legal Counsel Mercy Gutierrez and Anti-Graft Court Justice Diosdado Peralta. It is not clear when the Council will settle on its list and submit it to Malacanang, but it should be soon. A USAID-funded project is assisting the Council, civil society groups, and the media to inform the selection process and keep it transparent. The challenge for the GRP is to find a worthy successor to Marcelo, who played a key role in ramping up the GRP's anti-corruption efforts. Mission continues to urge the GRP to find an effective candidate to fill the key position. End Summary.

Search for Next Ombudsman

[1](#)3. (SBU) The GRP's Judicial and Bar Council is reviewing possible candidates to replace Ombudsman Simeon Marcelo, who is resigning effective November 30 due to what he attributed to problems with his health (ref A). (Note: The Office of the Ombudsman is an independent body charged with rooting out corruption in the government. Marcelo's reasons for resigning are still not entirely clear. Some members of the Opposition have asserted that he is quitting because he is frustrated with the government, though Marcelo has said nothing to confirm this. End Note.) The Council has been meeting regularly since Marcelo unexpectedly announced his resignation on September 30. Members of the Council include Supreme Court Chief Justice Hilario Davide (chairman), Secretary of Justice Raul Gonzalez, Senator Francis

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Pangilinan, three representatives from the legal sector, and one private sector representative.

[1](#)4. (U) Citizens have until October 31 to nominate candidates by forwarding their names to the Council, which has so far received 11 names. After interviewing the candidates, the Council will select three nominees and will

forward this short list to Malacanang. It is not clear when the Council will settle on its list, though members have indicated that they aim to do so before Marcelo leaves his post. The President is obliged to choose one candidate from this list within three months of the departure of the current Ombudsman. The President's appointee is not subject to Congressional confirmation.

Favored Candidates

15. (SBU) Favored candidates to succeed Marcelo reportedly include:

-- Maria Merceditas "Mercy" Gutierrez, Chief Presidential legal counsel;

-- Diosdado Peralta, Associate Justice of the Sandiganbayan (Anti-Graft Court);

-- Raul Angangco, a name partner at the powerful Villaraza & Angangco law firm (Note: Although many observers have speculated that Angangco is a leading candidate, his name has not yet been forwarded to the Judicial and Bar Council by anyone in the public. End Note.);

-- Margarito Gervacio, current Deputy Ombudsman (effectively the number two official in the Office of the Ombudsman);

-- Vic Fernandez, Deputy Ombudsman for Luzon; and,

-- Dennis Villa-Ignacio, Chief Special Prosecutor at the Office of the Ombudsman.

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USAID Project

16. (U) A USAID-funded project is assisting the Judicial and Bar Council, civil society groups, and the media to better inform the selection process and keep it transparent. The NGO "Transparency and Accountability Network" (TAN), working with The Asia Foundation, is scheduled to launch a USD 21,000 project on October 26 called "Ombudsman Appointment Watch II." (Note: TAN's successful campaign for a transparent and informed selection process in the first "Ombudsman Watch" in 2002 resulted in the appointment of Simeon Marcelo. End Note.) TAN is seeking to encourage civil society groups to play a more active role in the Judicial and Bar Council's nomination process, to engage the media in order to raise awareness of the importance of the Ombudsman's role and the selection process, and to institutionalize public participation in future selection processes. One of TAN's first actions (actually undertaken before the formal launch of the project) was to successfully lobby the Council to extend the deadline for nominations from October 15 to October 31 in order to facilitate wider public participation.

Comment

17. (SBU) The challenge for the GRP is to find a worthy successor to Marcelo, who played a key role in ramping up the GRP's anti-corruption efforts. The conviction rate at the Ombudsman's Office under his tenure has significantly increased -- helped by both a greater budget allocation from the government and U.S. assistance in capacity building for administrative staff, investigators, and prosecutors. Mission continues to urge the GRP to find an effective candidate for this key position. So far, Gutierrez and Peralta seem to be the leading candidates. Peralta, in

particular, has impressive credentials and maintains respect among many observers. Malacanang faces a tough choice -- and it will be widely criticized by foreign investors and others if it makes some sort of non-transparent move and fails to pick a highly regarded candidate.

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